

**To:** Bacalan, Vince[Bacalan.Vince@epa.gov]  
**From:** Yelensky, Erica  
**Sent:** Wed 10/4/2017 7:19:17 PM  
**Subject:** RE: Talking points on SMBNEP and ongoing litigation

Super helpful

**From:** Bacalan, Vince  
**Sent:** Wednesday, October 04, 2017 11:46 AM  
**To:** Yelensky, Erica <Yelensky.Erica@epa.gov>  
**Subject:** FW: Talking points on SMBNEP and ongoing litigation

**From:** Martin, Molly  
**Sent:** Wednesday, February 22, 2017 5:56 PM  
**To:** Bacalan, Vince <Bacalan.Vince@epa.gov>  
**Subject:** RE: Talking points on SMBNEP and ongoing litigation

Sorry for missing this this morning!

I will send Bernice that email now to and cc you

Here are suggested edits to your points. Also, as you suggested, I updated the one pager from before- see attached. Before sharing with Bernice wait for final. I will show sam next week. Please take a look now to make sure it makes sense to you and see if you have any questions.

History of Santa Monica Bay NEP versus Ballona Wetlands Land Trust (represented by Walter Lamb)

- In 2015, Ballona Wetland Land Trust, President Walter Lamb, filed suit against Santa Monica Bay Restoration Commission (SMBRC, 'Commission') alleging violation of the California Public Records Act Requests by not providing documents of The Bay Foundation (TBF).
- There used to be more overlap of Board members between SMBRC and The Bay Foundation. As of September 2016, there are zero TBF Board members that have been

appointed by the SMBRC Governing Board (GB). However, Tom Ford is currently the ED of both TBF and SMBRC and Laurie Newman, the President of TBF, has an Ex Officio seat on the SMBRC GB.

- In October 2016, Walter filed a second suit against SMBRC alleging misuse of public funds by allowing office space use by TBF staff. A trial date has been set for August 31, 2017. BWLT is also in pre-litigation negotiations with TBF.
- As part of the BRP revision underway to will be a more elaborate discussion of the roles of each entity in the partnership and discuss options for clarifying the governance structure moving forward, and continue empowering the Management Conference, with continued guidance from EPA R9.

Molly Martin

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**From:** Bacalan, Vince

**Sent:** Wednesday, February 22, 2017 9:17 AM

**To:** Martin, Molly <[Martin.Molly@epa.gov](mailto:Martin.Molly@epa.gov)>

**Subject:** FW: Talking points on SMBNEP and ongoing litigation

Hi Molly,

Was hoping to get your input on this before I sent to Bernice, mainly to make sure I didn't mischaracterize the situation. This ask was requested after I had my brief meeting with her this morning, which she eventually mentioned you were moving on (guessin during her call with Sam yesterday).

I made a vague reference that you might be sending an email update. Perhaps as part of that correspondence, you can make any indirect 'corrections' to what I may have provided in error below. I am unclear at the moment exactly what was the outcome of that first lawsuit since there appears to be different interpretations as to who 'won' the case. Maybe this would be an opportunity to update the bullet points you drafted last October to provide more comprehensive context of SMBNEP.

Hoping I didn't muddy the waters. Call me if you need to chat over the phone.

Vince

**From:** Bacalan, Vince  
**Sent:** Wednesday, February 22, 2017 12:01 PM  
**To:** Smith, Bernice <[Smith.Bernice@epa.gov](mailto:Smith.Bernice@epa.gov)>  
**Subject:** Talking points on SMBNEP and ongoing litigation

Hi Bernice,

Per your request, here are high level bullets related to SMBNEP and its history with the Land Trust.

Vince

## History of Santa Monica Bay NEP versus Ballona Wetlands Land Trust (represented by Walter Lamb)

- The first lawsuit filed in 2015 by Ballona Wetland Land Trust President Walter Lamb against Santa Monica Bay Restoration Commission (SMBRC, 'Commission') alleging violation of the California Public Records Act Requests by not providing documents of The Bay Foundation (TBF).
- There used to be more overlap of Board members between SMBRC and The Bay Foundation. As of September 2016, zero of 6 TBF Board members are on the SMBRC Governing Board (GB), except that Tom Ford (President of TBF) also serves on the SMBRC GB.
- A second lawsuit was filed by Walter in late 2016 alleging misuse of public funds relating to use of office space by TBF staff. This case is still active and a trial date has been set for August 31, 2017.
- Work is underway to elaborate the roles of each entity, discuss options for clarifying the governance structure moving forward, and continue empowering the Management Conference, with guidance from EPA R9.

Vince Bacalan

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